

## 9. W. Bullock – D.7 Grievance Procedure

**I. POLICY**

It is the policy of the County to provide a just and prompt procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal.

**II. GRIEVANCE DEFINED**

A grievance is a claim or complaint by an employee based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Former employees may appeal their termination from County employment within required time frames.

**III. PURPOSES OF THE GRIEVANCE PROCEDURE**

The purposes of the grievance procedure include but are not limited to:

- Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal
- Encouraging employees to express themselves about the conditions of work which affect them as employees
- Promoting better understanding of policies, practices, and procedures which affect employees
- Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures
- Increasing the sense of responsibility exercised by supervisors in dealing with their employees
- Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain-of-command

- Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity

#### **IV. PROCEDURE**

When an employee or group of employees has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion, or dismissal must be approved by the Hiring Authority before the decision becomes effective,

##### **Informal Resolution**

- Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome.

##### **Step 1**

- If no resolution to the grievance is reached informally the employee who wishes to pursue a grievance shall present the grievance to the supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within five work days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.
- The response from each supervisory level for each step in the formal grievance process shall be in writing and signed and dated by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

##### **Step 2**

- If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head

within five work days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five work days after receipt of the appeal.

### **Step 3 (For General County Employees Only)**

- If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager or Hiring Authority within five work days after receipt of the response from Step 2. The Hiring Authority shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within ten calendar days. The Hiring Authority's decision is final. However, the County Manager should inform the County Board of Commissioners of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System.
- **Special Note:** *The Sheriff and Register of Deeds will carry out the responsibilities designated as the County Manager in their respective departments.*

### **Step 3 (For Employees Only in the Social Services Department)**

- If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal the decision to the North Carolina Office of Administrative Hearings (OAH) within thirty calendar days of the receipt of the Department Head's decision. The findings of the OAH will be forwarded to the State Personnel Commission. The decision of the State Personnel Commission shall be advisory only and the Department Head shall have the final decision. Discrimination cases may be appeal directly to the OAH.
- Department Heads. In the case of department heads or other employees where the Hiring Authority has been significantly involved in determining disciplinary action, including dismissal, the Hiring Authority may wish to obtain a neutral outside party to either:
  - Provide mediation between the grieving department head and the Hiring Authority (see definition of mediation in informal resolution above); or
  - Consider the appeal and make recommendations back to the Hiring Authority concerning the appeal. Such parties might consist of human resource professionals, attorneys, mediators, or other parties appropriate to the situation.
- Department heads may also request the application of these special provisions.

- The Hiring Authority's decision regarding the disposition of the grievance shall be the final decision. The County Manager would notify the Board of Commissioners of any impending legal action.

#### **V. ROLE OF THE HUMAN RESOURCES DIRECTOR**

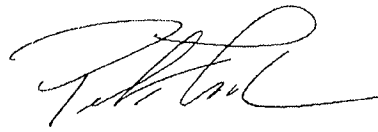
Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

- To advise parties (including employee, supervisors, and County Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies consistency of application
- To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- To give notices to parties concerning timetables of the process, etc.
- To assist employees and supervisors in drafting statements
- To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process
- To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

#### **VI. GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE FOR DISCRIMINATION**

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability), he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the Human Resources Director and the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

A handwritten signature in black ink, appearing to read 'P. White', with a stylized, cursive script.

Peter White  
Sheriff  
Vance County